

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**SHARAD JOGAL**

**PLAINTIFF**

**V.**

**NO. 3:22-CV-246-DMB-RP**

**VINSANJI THAKERSHI GALA**

**DEFENDANT**

**ORDER**

On May 8, 2023, David W. Hill filed a “Suggestion of Death” stating that Sharad Jogal, the plaintiff in this case, passed away on March 29, 2023. Doc. #11. Federal Rule of Civil Procedure 25(a)(1) instructs:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

When no motion for substitution was filed within 90 days, United States Magistrate Judge Roy Percy ordered the parties and counsel to show cause by August 17, 2023, why this action should not be dismissed pursuant to Rule 25(a)(1), warning that “[a] failure to respond and show cause as required by this order will result in the dismissal of this action.” Doc. #16. No response to the show cause order was filed. Because no motion to substitute was ever filed and because no response to Judge Percy’s show cause order was filed, this case is **DISMISSED with prejudice**.<sup>1</sup>

**SO ORDERED**, this 7th day of September, 2023.

**/s/Debra M. Brown**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> Under Rule 25(a)(1), a court has discretion to dismiss with or without prejudice. *Zanowick v. Baxter Healthcare Corp.*, 850 F.3d 1090, 1095 (9th Cir. 2017).